

CHANGES RECOMMENDED BY TRANSPORTATION-LAND USE COMMITTEE AT 10/26/09 MEETING:

1. Amend Section 4-1903(C)(3) Gardens, plus add definition of “garden”
  - (3) **Gardens.** ~~Any-g~~ Gardens of 5,000 square feet or less shall be exempt from the provisions of this Section 4-1900 provided that no cutting, filling or berming is required to create such garden.

**Article 8 Definitions:**

**Garden:** A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

2. Amend Section 4-1903(C)(4) to clarify that the expansion of existing buildings and/or structures is exclusive of right to expand existing impervious surfaces:
  - (4) **Existing Structures within LOD.** Expansion, alteration, or reconstruction of legally existing buildings, structures, and impervious surface areas existing on [action date] shall not be covered, provided that such alteration does not increase the total footprint of a building or structure, or increase the total amount of impervious surface areas (exclusive of existing buildings and structures), as it existed on [action date], by more than twenty-five percent (25%) or 2,000 square feet, whichever is greater, and provided further that any such expansion does not encroach into a Karst/Sensitive Environmental Feature Setback. If the existing building, structure, or impervious surface, is located within a Karst/Sensitive Environmental Feature Setback, then such expansion ~~cannot~~ shall not get closer to the Karst/Sensitive Environmental Feature than the closest point of the existing structure, as it existed on [action date].\* Expansion, alteration or reconstruction of legally existing buildings, structures or impervious surfaces pursuant to this section shall require locational clearance approved by the County Department of Building and Development, as set forth in Section 4-1904(A)(2).

\*County staff seeks committee direction on whether to include any provisions to provide relief for landowners who have no option to build away from the Karst/Sensitive Environmental Feature

3. Amend Section 4-1903(C)(6) to increase the size of exempt structures to 720 square feet.

(6) **Structures or Land Disturbance of 720 Square Feet or Less ~~than 150 Square Feet~~.** Any land disturbing activities or structures involving the disturbance of 720 square feet or less ~~than 150 square feet~~ of land shall be exempt from the provisions of this Section 4-1900, except:

- (a) No such disturbance shall be permitted within 20 feet of a Karst/Sensitive Environmental Feature; and
- (b) No structures, even if 720 square feet or less ~~than 150 square feet~~, shall be permitted within the Karst/Sensitive Environmental Feature Setback; and
- (c) This exemption shall not apply to structures or land disturbing activities whose purpose is to change water flow; and
- (d) This exemption shall not apply to swimming pools, principal dwellings, or accessory dwellings.\*

\*Staff suggests that consideration be given to requiring geophysical testing for all dwellings, principal and accessory, regardless of size.

4. Amend Section 4-1907(L) from being a “Warning” to being a “Notice”, require the notice in all sales contracts, and include information that not all insurance policies provide coverage against sinkholes.

(L) **~~Warning~~ Notice to Property Owners.** Notes containing the following information or similar language shall be placed in all deeds of conveyance, sales brochures, sales contracts, Homeowners Association documents and on all subdivision and site plans for land in the LOD:

- (1) “This property is located within the Limestone Overlay Zoning District. ~~and p-P~~ roperties and structures within the Limestone Overlay Zoning District are located within an environmentally sensitive area due to the nature of the underlying geology. The sensitivity of this geology must be considered in determining the location of structures and other land disturbing activities as there is the potential for subsidence, which could result in damage to structures or property. Not all insurance policies cover such damage and individuals are encouraged to contact their insurance company in this regard. Additionally, Landowners in this area must share in the responsibility of protecting groundwater supplies from contamination. Please contact the County for more information”